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22801	7590	04/22/2009		EXAMINER
LEE & HAYES, PLLC				DUFFIELD, JEREMY S
601 W. RIVERSIDE AVENUE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/602,500	DANKER ET AL.
	Examiner	Art Unit
	JEREMY DUFFIELD	2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 February 2009.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5,10,11,17,18,20,31,32,35-37,42,43 and 46-49 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,10,11,17,18,20,31,32,35-37,42,43 and 46-49 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 17 February 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the given references do not teach "wherein the type of content...the identified program", Page 26, line 22-Page 27, line 3, the examiner respectfully disagrees. Tomsen teaches supplemental content relating to advertisements and television programs may be stored at different content sources. The content source search engine searches the different content sources, such as broadcasters, producers, network operators, or the Internet, for supplemental information and provides a list of links to the user that identify the stored location of the supplemental content (Para. 74, 87, 89, 90, 100). Once a user elects to receive information from the list it is provided from the stored location indicated in the link. Therefore, the given references teach the aforementioned limitation.

In response to applicant's argument that "Sgaraglino is not combinable with Tomsen" in view of Gurevich, Page 28, lines 18-20, the examiner respectfully disagrees. Sgaraglino provides a system for interactive advertising that can be used for Internet advertising as well as television systems. The interactive advertising system is used in conjunction with television devices, such as an interactive television, a set-top box, digital converter, etc (Para. 38). One of

ordinary skill in the art would have been motivated to combine Tomsen, Gurevich, and Sgaraglino in order to provide a quicker method of identifying how to send information to the user while having less errors.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 10, 11, 17, 20, 42, 43, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen (US 2002/0147984) in view of Gurevich (US 2002/0073428) in view of Sgaraglino (US 2003/0229893) and further in view of Alexander (US 5,414,834).

Regarding claim 1, Tomsen teaches a method comprising:
detecting a request for information (RFI) initiated by a user while
accessing a content program (Para. 17, lines 1-9);
transmitting RFI data to a server on a broadcast network (Para. 17, lines
1-2); and wherein the RFI data includes:
a time at which the RFI was initiated; a channel accessed at the time the
RFI was initiated (Para. 16, lines 1-9); and
closed caption data associated with the content program that occurred
prior to and including the time at which the RFI was initiated (Para. 16, lines 1-9).

determining if the content program is a program or an advertisement (Para. 88, lines 1-11); Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9), wherein the determining comprises:

cross-referencing, at the server, a time at which the RFI was initiated, i.e. time which indicates when a user presses the "Find" button (Para. 80, lines 1-6), with content item time code data, i.e. indexed according to time at the content source (Para. 81, lines 1-9), to determine whether a program or an advertisement was scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88, lines 1-11), wherein the time code information includes intra-program information relating to when commercials are scheduled within the program, i.e. supplemental content, which includes advertisements, are indexed according to time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9); in response to no such time code data being available, using the closed caption data to derive search terms, Note: The deriving of the keywords from the closed-captioning text does not depend on time code data. Therefore, Tomsen meets this limitation (Para. 84, lines 1-12);

searching, at the server, a reference database using the search terms, i.e. searching the supplemental content at the content source (Para. 84, lines 1-12; Para. 87, lines 3-11); and

determining from matches derived from the search if the content item is a program or an advertisement (Fig. 1, el. 124; Para. 88, lines 3-10). Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9);

in response to determining a content item is a program, associating a rule defined in a program rules module with the program wherein the program rules module organizes a plurality of programs broadcast by the network server (Para. 17);

a program identifier identifying the program for which the client user entered a request for information (Para. 17, 83);

an action providing information on what type of content related to the identified program is provided to the client user, i.e. supplemental information according to the program selected (Para. 17, 83, 85);

wherein the type of content provided in the action and a mode of delivery further indicates a network entity other than the server, from amongst a plurality of different network entities, the network entity other than the server to deliver the content related to the identified program, i.e. the content source search engine searches different content sources, such as broadcasters, producers, network operators, or the Internet, for supplemental information and provides a list of links to the user that identify the stored location of the supplemental content (Para. 74, 87, 89, 90);

in response to determining the content item is an advertisement, associating a rule defined in an advertiser rules module with the advertisement, wherein the advertiser rules module organizes a plurality of advertisers whom sponsor advertisements broadcast by the network server (Para. 83, 112);

an advertiser identifier identifying an advertiser sponsoring the advertisement for which the client user entered a request for information (Para. 112);

an action providing information on what type of content related to the identified advertiser is to be provided to the client user, i.e. access commercial opportunities (Para. 85, 112);

wherein the type of content provided in the action and a mode of delivery further indicates a network entity other than the server, from amongst a plurality of different network entities, the network entity other than the server to deliver the content related to the identified advertiser, i.e. the content source search engine searches different content sources, such as broadcasters, producers, network operators, or the Internet, for supplemental information and provides a list of links to the user that identify the stored location of the supplemental content (Para. 74, 87, 89, 90); and

executing a respective associated rule defined in the program rules module or the advertisers rule module (Para. 17, 83, 112).

Tomsen does not clearly teach the program table comprising:
a program identifier column;

an action column;

a delivery mode column specifying a mode of delivery of the content related to the identified program to the client user; and

the advertisement table comprising:

an advertiser identifier column;

an action column;

a delivery mode column specifying a mode of delivery of the content related to the identified advertiser to the client user.

Gurevich teaches a user presses a button on a remote control to order audio/video data associated with a TV program (Para. 13);

in response to determining a content item is a program, associating a rule defined in a program rules module with the program wherein the program rules module organizes a plurality of programs broadcast by a network server (Para. 13, 21-23);

a program identifier identifying the program for which the client user entered a request for information, Note: channel and time information from when the user pressed the button is corresponded with stored information at the server (Para. 13, 21-23);

an action providing information on what type of content related to the identified program is provided to the client user, i.e. supplemental information according to the program selected (Para. 13, 21-23);

a delivery mode specifying a mode of delivery of the content related to the identified program to the client user, i.e. a UserId is associated with a delivery mode (Para. 13, 21-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen to include a delivery mode specifying a mode of delivery of the content related to the identified program to the client user, as taught by Gurevich, for the purpose of having a quicker method of identifying how to send information to the user while having less errors.

Tomsen in view of Gurevich does not clearly teach the program table comprising:

a program identifier column;
an action column;
a delivery mode column specifying a mode of delivery of the content related to the identified program to the client user; and
the advertisement table comprising:
an advertiser identifier column;
an action column;
a delivery mode column specifying a mode of delivery of the content related to the identified advertiser to the client user.

Sgaraglino teaches a user presses a button on a remote control to access supplemental information (Para. 41, 45);

in response to determining a content item is an advertisement (Para. 33, 55, 95), associating a rule defined in an advertiser rules module with the advertisement (Para. 33, 55, 95), wherein the advertiser rules module organizes a plurality of advertisers whom sponsor advertisements broadcast by the network server in a database (Para. 33, 55, 95) comprising:

an advertiser identifier identifying an advertiser sponsoring the advertisement for which the client user entered a request for information (Para. 33, 42, 55, 95);

an action providing information on what type of content related to the identified advertiser is to be provided to the client user, i.e. follow-up material based on the advertiser (Para. 33, 42, 55, 95); and

a delivery mode specifying a mode of delivery of the content related to the identified advertiser to the client user, i.e. a delivery mode is selected which is supported by the advertiser (Para. 33, 41-42, 49-51, 55, 95).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen to include organizing a plurality of advertisers whom sponsor advertisements broadcast by the network server comprising: an advertiser identifier identifying an advertiser sponsoring the advertisement for which the client user entered a request for information; an action providing information on what type of content related to the identified advertiser is to be provided to the client user; and a delivery mode specifying a mode of delivery of the content related to the identified advertiser to the client

user, by using the techniques taught by Sgaraglino, for the purpose of having a quicker method of identifying how to send information to the user while having less errors.

Tomsen in view of Gurevich in view of Sgaraglino does not clearly teach a program table comprising:

- a program identifier column;
- an action column;
- a delivery mode column; and
- an advertisement table comprising:
 - an advertiser identifier column;
 - an action column;
 - a delivery mode column.

Alexander teaches creating a relational table, located in a database, which contains rows and columns. Each row represents a single instance of an object and the columns contain descriptive data attributes about the object (Col. 1, line 55-Col. 2, line 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen in view of Gurevich in view of Sgaraglino to include a program table that comprises: a program identifier column; an action column; a delivery mode column; and an advertisement table that comprises: an advertiser identifier column; an action column; and a delivery mode column, using the techniques of creating a relational table taught by

Alexander along with the linked data provided by Tomsen, Gurevich, and Sgaraglino, for the purpose of better organizing data in a database.

Regarding claim 2, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the closed caption data further comprises a predefined amount, i.e. current page, of closed caption data (Tomsen-Para. 84, lines 4-7).

Regarding claim 3, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the amount of closed caption data further comprises a number of seconds of closed caption data (Tomsen-Para. 84, lines 4-7). Examiner equates sending a predetermined number of seconds of closed caption data and sending a current page of closed caption text.

Regarding claim 4, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches all elements of claims 1, 2, and 3.

Tomsen in view of Gurevich in view of Sgaraglino does not clearly teach the number of seconds of closed caption data further comprises ten seconds or less.

Applicant's admission of fact provides evidence that it is well-known to have the amount of closed caption data to be ten seconds or less. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Tomsen in view of Gurevich in view of Sgaraglino's amount of closed caption data to be sent to be in the amount of ten seconds or less so that bandwidth can be preserved for other uses.

Regarding claim 5, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the amount of closed caption data further comprises a number of bytes of closed caption data (Tomsen-Para. 84, lines 4-7). Examiner equates sending a predetermined number of bytes of closed caption data and sending a current page of closed caption text.

Regarding claim 10, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the request for information is initiated by a single button actuation (Tomsen-Para. 72, lines 1-5).

Regarding claim 11, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the content program is one of the following types of content program: video, audio, audio/visual, multimedia (Tomsen-Para. 16, lines 1-9).

Regarding claim 17, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the reference database further comprises keywords,

one or more keywords being associated with one or more content items
(Tomsen-Fig. 7, el. 406b).

Regarding claim 20, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches the program identifier further identifies a program title (Tomsen-Para. 16, 83).

Regarding claim 42, claim is analyzed with respect to claim 1. Tomsen further teaches one or more computer-readable media including computer- executable instructions that, when executed on a computer (Fig. 7, el. 704, 406a-d), perform the following steps:

receiving request for information data from a client connected to a broadcast network (Para. 87, lines 3-5);

the request for information data including closed caption data that is associated with a content item viewed at the client at the time a request for information was input by a user, (Para. 16, lines 1-9), and a time stamp that is associated with a content item viewed at the client at the time a request for information was input by a user (Para. 16, lines 1-9; Para. 80, lines 1-6);

cross-referencing the time stamp at which the RFI was initiated, i.e. time which indicates when a user presses the "Find" button (Para. 80, lines 1-6), with content item time code data, i.e. indexed according to time at the content source (Para. 81, lines 1-9), to determine whether a program or an advertisement was

scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88, lines 1-11), wherein the time code information includes intra-program information relating to when commercials are scheduled within the program, i.e. supplemental content, which includes advertisements, are indexed according to time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9); if no such time code data is available, analyzing the closed caption data to determine if the request for information was input during a program or during an advertisement, Note: analyzing the closed-captioning data does not depend on time code data and an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9). Therefore, Tomsen meets this limitation (Para. 84, lines 1-12); and to determine a sponsor associated with the program or advertisement (Para. 70, lines 1-13); determining an action to take depending on the sponsor determination, i.e. completing a transaction or returning search results (Para. 70, lines 1-13); and performing the action (Para. 70, lines 1-13; Para. 94, line1-Para. 95, line 5).

Regarding claim 43, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches performing the action further comprises sending user-

identifying information to the a sponsor associated with the content item so that the sponsor can provide information related to the content item to the user (Tomson-Fig. 7, el. 602, 704, 406c).

Regarding claim 46, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches executing a respective associated rule further comprises sending an e-mail message to the user (Sgaraglino-Para. 32, 41, 45, 50).

Regarding claim 47, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches executing a respective associated rule further comprises sending information via post to the user (Sgaraglino-Para. 32, 41, 45, 50).

Regarding claim 48, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches analyzing the closed caption data to determine if the request for information was input during a program or during an advertisement further comprises:

searching a plurality of keywords using search terms derived from the closed caption data (Tomsen-Fig. 7, el. 406b; Para. 84, lines 1-12); and determining if the request for information was input during a program or during an advertisement from matches generated by the search (Tomsen-Fig. 1,

el. 124; Para. 88, lines 3-10). Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Tomsen-Para. 112, lines 4-8) and for receiving information on television programs (Tomsen-Para. 17, lines 7-9).

Regarding claim 49, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches analyzing the closed caption data to determine if the request for information was input during a program or during an advertisement further comprises:

searching text databases corresponding to a plurality of content items using search terms derived from the closed caption data (Tomsen-Para. 84, lines 7-12; Para. 87, lines 6-11); and

determining if the request for information was input during a program or during an advertisement from matches generated by the search (Tomsen-Para. 88, lines 3-10). Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Tomsen-Para. 112, lines 4-8) and for receiving information on television programs (Tomsen-Para. 17, lines 7-9).

4. Claims 18, 31, 32, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander and further in view of Corey (US 5,703,655).

Regarding claim 18, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander teaches all elements of claim 1.

Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander does not clearly teach the reference database further comprises scripts of content items that can be compared with the search terms.

Corey teaches the reference database further comprises scripts, i.e. index text record, of content items that can be compared with the search terms (Col. 2, lines 20-24).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander's reference database to include scripts of content items to compare with the search terms, using the technique taught by Corey, so that the desired content can be located and retrieved.

Regarding claim 31, claim is analyzed with respect to claim 1.

Tomsen further teaches a broadcast network server, comprising:

electronic program guide data that provides program information and scheduling information for a plurality of content items available on a broadcast network (Para. 83, lines 5-8);

a response module configured to receive a request for information from a network client containing closed caption data associated with a selected content

item accessed at the network client at a time when a client user entered a request for information (Para. 16, line1-Para. 17, line 2);
a search module configured to perform a search using search terms derived from the closed caption data to determine a sponsor associated with the selected content item (Para. 87, lines 2-11);
a rules module configured to associate a rule, i.e. supplemental content, with a sponsor associated with the selected content item (Para. 70, lines 1-13);
and
wherein the response module is further configured to execute an action specified by the rules module (Para. 70, lines 1-13; Para. 94, line1-Para. 95, line 5);
determine whether the request for information was entered during a program or during an advertisement, (Para. 88, lines 1-11); Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9), by cross-referencing a time at which the RFI was initiated, i.e. time which indicates when a user presses the “Find” button (Para. 80, lines 1-6), with content item time code data, i.e. indexed according to time at the content source (Para. 81, lines 1-9), to determine whether a program or an advertisement was scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88, lines 1-11), wherein the content item time code data includes intra-program information

relating to when advertisements are scheduled within the program, i.e. supplemental content, which includes advertisements, are indexed according to time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9);

in response to no such time code data being available, using the closed caption data to derive search terms, Note: The deriving of the keywords from the closed-captioning text does not depend on time code data. Therefore, Tomsen meets this limitation (Para. 84, lines 1-12);

search a reference database using the search terms, i.e. searching the supplemental content at the content source (Para. 84, lines 1-12; Para. 87, lines 3-11); and

determine from matches derived from the search if the content item is a program or an advertisement (Fig. 1, el. 124; Para. 88, lines 3-10). Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9).

Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander does not clearly teach the program rules module contains at least a portion of a script of one or more content items available on the broadcast network.

Corey teaches a video information module contains at least a portion of a script, i.e. index text record, of one or more content items available on the broadcast network (Col. 2, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander's program information module to have at least a portion of a script of one or more content items available on the broadcast network, using the technique taught by Corey, so that the desired content can be located and retrieved.

Regarding claim 32, claim is analyzed with respect to the combination of claims 1 and 31.

Regarding claim 35, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander in view of Corey teaches a keywords module (Tomsen-Fig. 7, el. 406a-d); and

Wherein the search module is further configured to search the keywords module with the search terms derived from the closed caption data (Tomsen-Para. 87, lines 3-11); and

the response module is further configured to determine whether the request for information was entered during a program or during an advertisement from search results. Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Tomsen-Para. 112, lines 4-8) and for receiving information on television programs (Tomsen-Para. 17, lines 7-9).

Regarding claim 36, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander in view of Corey teaches the action specified facilitates a plurality of actions comprising: sending a system message; sending an e-mail message; post mailing (Tomsen-Para. 96, lines 1-3; Gurevich-Para. 23; Sgaraglino-Para. 32, 41, 45, 50, 68).

Regarding claim 37, Tomsen in view of Gurevich in view of Sgaraglino in view of Alexander in view of Corey teaches a client information module, i.e. user profile database, that contains information about how to contact a subscriber associated with the network client (Tomsen-Fig. 7, el. 704; Gurevich-Para. 23; Sgaraglino-Para. 32, 41, 45, 50, 68); and

wherein the action further comprises transmitting client information related to the network client from which the request for information was received to the sponsor of the program or advertisement (Tomsen-Para. 70, lines 1-13; Gurevich-Para. 23; Sgaraglino-Para. 32, 41, 45, 50, 68).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09 April 2009
JSD

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427